

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| UNITED STATES OF AMERICA | |) | |
| | |) | |
| v. | |) | CRIMINAL ACTION NO. 04-10051-PBS |
| | |) | |
| JORGE ROSARIO, | |) | |
| | |) | |
| Defendant. | |) | |
| <hr/> | |) | |

PROCEDURAL ORDER

February 21, 2008

Saris, U.S.D.J.

Pursuant to 18 U.S.C. §3582(c)(2) and U.S.S.G. §1B1.10, as amended, effective March 3, 2008, I ORDER

1. Within twenty (20) days of the filing of the motion to reduce sentence, the parties shall confer with each other and the Probation Department and file a joint status report outlining the parties' positions, including but not limited to:

- (a) Defendant's eligibility for reduction of sentence in accordance with 18 U.S.C. §3582;
- (b) A revised Guideline Calculation;
- (c) Recommendation(s) for sentencing;
- (d) Whether a hearing is necessary and whether the defendant seeks to appear in person or via video conference;
- (e) The earliest projected release date based on the low end of the revised guideline calculation;
- (f) A briefing schedule for any contested issues, taking into account the earliest projected release date;
- (g) Whether a transcript is needed;

(h) A copy of any plea agreement.

2. The Probation Department shall provide the parties with the Presentence Report and a summary of the Bureau of Prisons "Sentry" records, including the name and contact number of the caseworker. The Probation Department shall provide this information within two (2) weeks. Within ten (10) days after the filing of the parties' joint status report, the Probation Department shall submit to the court and serve on the parties, an addendum to the Presentence Report. The addendum shall include:

- (a) Whether the Probation Department agrees with the parties concerning eligibility;
- (b) A revised Guideline Calculation and the Probation Department's sentencing recommendation;
- (c) A report regarding post-conviction conduct in the Bureau of Prisons, including any significant disciplinary reports; rehabilitation programs attended or completed; and any relevant information provided by the caseworker.

If the parties and the Probation Department agree that a defendant is not eligible for a reduction of sentence, the Probation Department need not provide the information required by sub-paragraph 2(a) and 2(b).

/s/ Patti B. Saris

PATTI B. SARIS
UNITED STATES DISTRICT JUDGE